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Paper No. 8

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JUN 1 6 2004

OFFICE OF PETITIONS

In re Application of
Maritzen, Yasuda, Tanner, and Ludtke
Application No.: 10/015,724
Filed: December 6, 2001
Attorney Docket No: 50P4506.01
For: SYSTEM AND METHOD FOR CONDUCTING
FINANCIAL TRANSACTIONS USING A PERSONAL
TRANSACTION DEVICE WITH VEHICLE ACCESSED,
PAYMENT-GATEWAY TERMINALS

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: DECISION ACCORDING
: RULE 47(a) STATUS
: AND DISMISSING PETITION
: UNDER 37 CFR 1.137(b)
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:
:

This is in response to the petitions under 37 CFR 1.47(a) and 37 CFR 1.137(b), filed June 7, 2004.

The petition under 37 CFR 1.47(a) is **GRANTED**.

The petition under 37 CFR 1.137(b) is **DISMISSED**.

TREATMENT UNDER 37 CFR 1.47(a)

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

The above-cited application was filed on December 6, 2001, and was not accompanied by a proper oath or declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on January 23, 2002, requiring an properly executed declaration, \$130.00 surcharge, and substitute drawings. The notice allowed an extendable period for reply of two months from its mailing date. No response was received within the allowed period and the application became abandoned on March 24, 2002. A Notice of Abandonment was mailed on January 6, 2004.

Petitioner has shown that inventor Maritzen has constructively refused to join the filing of the above-identified application after having been presented with the application papers. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The petition fee of \$130.00 was not found with the petition papers, however; it is noted that petitioner made a payment for a request for an extension of time within the fourth. This request for an extension of time is not necessary, nor is it available to petitioner because it was made outside the maximum period for reply. The petition fee of \$130.00 will be taken from the \$1,610.00 paid for the extension of time and petitioner will be refunded \$1,480.00, in due course.

TREATMENT UNDER 37 CFR 1.137(b)

The petition under 37 CFR 1.137(b) is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition" under 37 CFR 1.137(b)."

Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply, unless previously filed. In a non-provisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee, or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.
- (2) the petition fee as set forth in 37 CFR 1.17(m);
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and
- (4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

The instant petition does not satisfy the requirements of item (1) above.

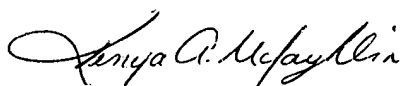
The Notice to File Missing Parts of Nonprovisional Application required substitute drawings be filed, however; substitute drawings were not found with the petition papers. In order for the petition under 37 CFR 1.137(b) to be considered grantable, petitioner must file substitute drawings with any renewed petition filed.

By mail: Commissioner for Patents
United States Patent and Trademark Office
Mail Stop Petitions
Box 1450
Alexandria, VA 22313-1450

By facsimile: (703) 872-9306
Attn: Office of Petitions

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-0010.



Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of
Maritzen, Yasuda, Tanner, and Ludtke
Application No. 10/015,724
Filed: December 6, 2001
Attorney Docket Number: 50P4506.01
For: SYSTEM AND METHOD FOR
CONDUCTING FINANCIAL TRANSACTIONS
USING A PERSONAL TRANSACTION DEVICE
WITH VEHICLE ACCESSED PAYMENT-
GATEWAY TERMINALS

LETTER

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JUN 16 2004

OFFICE OF PETITIONS

Dear Mr. Maritzen:

You are named as a joint inventor in the above-identified United States reissue patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a joint inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63. It should be further noted that any assignee of record of the entire interest in the application may request that the inventor(s) be excluded from access to the application. If the request is granted, you will be informed of that fact and will only be permitted to inspect the application on sufficient showing of why such inspection is necessary to conserve your rights. See MPEP 106, citing, *In re The Kellogg Switchboard & Supply Company*, 1906 C.D. 274 (Comm'r Pat. 1906).

Telephone inquiries regarding this communication should be directed to Petitions Attorney Kenya A. McLaughlin at (703) 305-0010. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Kenya A. McLaughlin
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Office of Petitions

In re Application of Maritzen, Yasuda, Tanner, and Ludtke
10/015,724

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